

COMMON COUNCIL MEETING MINUTES

MONDAY, JUNE 5, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Council President Richard L. Sharp, Council Members Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Mayor James Brainard was not in attendance.

Council President Sharp called the meeting to order at 6:00 p.m.

Carmel Police Chaplain, George Davis, pronounced the Invocation.

Council President Sharp led the Pledge of Allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Griffiths made a motion to approve the Minutes of the May 15, 2006 Regular Meeting. Councilor Glaser seconded. There was no Council discussion. Council President Sharp called for the question. The minutes were approved 5-0 (Councilor Mayo abstained; Councilor Carter was not in Council Chambers during the vote).

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

There were none.

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Council President Sharp discussed agenda item 11 a. (Ordinance Z-491-06). Council President Sharp discussed a letter from Paul Shoopman requesting this item to be withdrawn.

ACTION ON MAYORAL VETOES:

There were none.

CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of \$2,908,195.04. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. Claims were approved 7-0.

COMMITTEE REPORTS:

Councilor Rattermann reported that the Finance, Administration and Rules Committee met this evening and discussed Ordinance D-1799-06 and Ordinance D-1806-06.

Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met on Tuesday, May 23, 2006 and discussed Ordinance Z-491-06 which was sent to the full Council with a 0-4 unfavorable recommendation.

Councilor Carter reported that the Parks, Recreation and Arts Committee had not met.

Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee had not met.

OLD BUSINESS

Council President Sharp announced the **Fifth Reading of Ordinance D-1799-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects). Councilor Rattermann made a motion that this item be moved to the end of New Business to allow the City Attorney time to make revisions. This item was moved to the full Council from the Finance Committee with a recommendation that the City Attorney write the amendments discussed at Committee. There was no objection from the Council to move this item to the end of New Business.

Council President Sharp announced the **Third Reading of Ordinance D-1806-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving a Lease for Certain Public Improvements Between the City of Carmel Redevelopment Authority and the City of Carmel Redevelopment Commission, Pledging County Option Income Tax Revenues of City to Pay Certain Lease Rental Obligations Thereunder, and Taking Other Actions Related Thereto (\$6,100,000). Councilor Rattermann informed Council that this item was sent to the full Council from the Finance Committee with a 0-4 unfavorable recommendation. There was brief Council discussion. Councilor Rattermann made a motion to move Ordinance D-1806-06, As Amended, VERSION B – 6/5/06 into business. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The motion was approved 7-0. Councilor Rattermann presented handouts to the Council (Attachments 1, 2 and 3). Councilor Rattermann made a motion to move Ordinance D-1806-06, As Amended, VERSION C – 6/5/06 into business. Councilor Glaser seconded. There was major Council discussion. Councilor Griffiths made a motion to add Cool Creek North Trail, Monon Bridge over Carmel Drive, and Survive Alive House back into Exhibit C from Councilor Rattermann's amended version. The motion died for lack of a second. Council President Sharp called for the question. The motion to accept VERSION C – 6/5/06 failed 2-5 (Council President Sharp and Councilors Kirby, Mayo, Griffiths and Carter opposed). Council President Sharp called for the question. The motion to adopt Ordinance D-1806-06 was approved 5-2 (Councilors Glaser and Rattermann opposed). There was brief Council discussion. Council President Sharp called for the question. The motion to adopt **Ordinance D-1806-06, As Amended, VERSION B – 6/5/06**, was adopted 5-2 (Councilors Glaser and Rattermann opposed).

Council President Sharp announced **Fourth Reading of Ordinance Z-489-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the Property Located Southwest of the Intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian Mixed Use (OM/MU) Classification (Centex Homes-Old Meridian); Sponsor: Councilor Glaser. This Ordinance remains in LUAC.

PUBLIC HEARINGS

Council President Sharp announced the **Second Reading of Ordinance Z-491-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Fortune Planned Unit Development District. Council President announced the Public Hearing was held open from May 15, 2006. Ernie Reno, 1227 Bluff Road, Plainfield, Indiana, attended on behalf of his client, Paul Shoopman. Mr. Reno addressed the Council and read a statement (Attachment 4) from the Indiana Land Development Corporation regarding their request to withdraw (Attachment 5) their request for a zoning change. There was brief Council discussion. Councilor Rattermann made a motion to approve Ordinance Z-491-06. Councilor Glaser seconded. There was brief Council discussion. Seeing no one else who wished to speak, Council President Sharp closed the Public Hearing at 6:52 p.m. There was no Council discussion. Council President Sharp called for the question. Ordinance Z-191-06 failed 0-7.

Council President Sharp announced the **First Reading of Ordinance Z-492-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Village Green Planned Unit Development District (Village Green Townhomes – 211 West Smokey Row Road). Councilor Mayo made a motion to move this item into business. Councilor Rattermann seconded. Councilor Rattermann referred to Jim Shinaver, Attorney, Nelson & Frankenberger, 3105 E. 98th Street, Suite 170, Indianapolis, IN 46280 for a presentation to Council. Also in attendance were Bruce Sklare with Bay Development and John Talbot with Drees Homes. There was no Council discussion. Council President Sharp opened the Public Hearing at 7:03 p.m.

The following individual spoke in opposition to Ordinance Z-492-06:

Kurt Jaenicke, 146 Old Grayce Lane, Carmel, IN 46032, representing the Carmel Residents For Historic Preservation.

There was brief Council discussion. Council President Sharp referred Ordinance Z-492-06 to the Land Use, Annexation and Economic Development Committee for further review and consideration.

NEW BUSINESS

Council President Sharp announced **First Reading of Ordinance D-1807-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Enacting and Adopting a Supplement to the Code of Ordinances of the city of Carmel, Indiana (ALP 1st Quarter 2006). Councilor Kirby made a motion to move this item into business and suspend the rules and not send this item to committee and vote this evening. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The motion was approved 7-0. Councilor Glaser presented this item to Council. There was no Council discussion. Council President Sharp called for the question.

Ordinance D-1807-06 was adopted 7-0.

Council President Sharp announced **First Reading of Ordinance D-1809-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating A Platted Right-Of-Way (Pearl Street – Rolling Meadows Subdivision); Sponsor: Councilor Sharp. This item was not introduced.

Council President Sharp announced the **First Reading of Ordinance D-1810-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 5, Division VIII, Sections 6-161(b)(3) and 6-161(c)(1) of the Carmel City Code (No Smoking). Councilor Griffiths made a motion to move this item into business. Councilor Glaser seconded. Councilor Griffiths presented this item to Council. There was no Council discussion. Council President Sharp referred Ordinance D-1810-06 to the Utilities, Transportation and Public Safety Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1811-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Concerning Council District Boundaries. Councilor Mayo made a motion to move this item into business. Councilor Griffiths seconded. Council President Sharp passed the gavel to Councilor Glaser to present this item to Council. There was no Council discussion. Council President Sharp made a motion to suspend the rules and not send this item to Council and vote this evening. Councilor Kirby seconded. There was brief Council discussion. Councilor Carter stated that he was not going to vote for this (redistricting) at all, and Carmel should have second class city status. Councilor Glaser called for the question. The motion failed 3-3 (Councilors Glaser, Carter and Rattermann opposed). Councilor Glaser referred Ordinance D-1811-06 to the Land Use, Annexation and Economic Development Committee for further and consideration.

Council President Sharp reclaimed the gavel from Councilor Glaser.

Council President Sharp announced **Resolution CC-06-05-06-01**; A Resolution of the Common Council of the City of Carmel, Indiana, Expressing Interest in the Purchase of Certain Properties Valued at Over \$25,000 and Associated with the City's Road Improvement Projects (Five Properties). Councilor Mayo made a motion to move this item into business. Councilor Glaser seconded. Council President Sharp presented this item to Council. There was no Council discussion. Council President Sharp called for the question. **Resolution CC-06-05-06-01** was adopted 7-0.

Fifth Reading of Ordinance D-1799-06; An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects). Councilor Rattermann made a motion that this item be moved to the end of New Business to allow the City Attorney time to revise. This item was moved to the full Council from the Finance Committee with a recommendation that the City Attorney revise with amendments discussed at Committee. There was no objection from the Council to move this item to the end of New Business. However, this item was not discussed since the City Attorney was not able to make the amendments to this ordinance that were discussed in the Finance Committee meeting.

OTHER BUSINESS

Second Reading of Ordinance D-1782-05; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. This ordinance remains Tabled.

Property Abatements/Compliance with Statement of Benefits – Presented to Council by Clerk-Treasurer Diana L. Cordray. There was brief Council discussion. Forms needed to be signed by Council President Sharp (1. 303 Group LLC - Specialty Risk International; 2) Allete Automotive Services; 3) Dealer Services Corporation; 4) PHT Investment Holdings, LLC (SB-1 filed Under CIHS NEWCO – Medical Office Building) NEW OWNER; 5) The Heart Center of Indiana, LLC (Formerly filed as CIHS NEWCO, LLC). No formal action required. Councilor Kirby moved to accept the recommendation from the Finance Committee to approve the report. Councilor Glaser seconded. Council President Sharp called for the question. The motion was approved 7-0.

ANNOUNCEMENTS

Councilor Kirby announced that the next Utilities, Transportation and Public Safety Committee meeting will be held on Monday, June 12, 2006 at 5:00 p.m.

EXECUTION OF DOCUMENTS

Council President Sharp adjourned the meeting at 7:40 p.m.

ADJOURNMENT

Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

Mayor James Brainard

ATTEST:

Clerk-Treasurer Diana L. Cordray, IAMC